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C O N F I D E N T I A L SECTION 01 OF 02 SKOPJE 000815

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TAGS: [PGOV](#) [PREL](#) [MK](#)

SUBJECT: MACEDONIA: TENSIONS EBB AFTER PARLIAMENTARY BRAWL,
SOME PROGRESS ON STATE JUDICIAL COUNCIL

REF: A. SKOPJE 792

[1](#)B. SKOPJE 758
[1](#)C. SKOPJE 786

Classified By: POLOFF MNEISULER, REASONS 1.4 (B) AND (D)

SUMMARY

[1](#)1. (SBU) A week after the September 25 brawl in Parliament between ethnic Albanian MPs (ref A), tensions have ebbed and the government on October 4 succeeded in corralling the votes of the smaller ethnic minority parties to elect four of the remaining five members of the 15-member State Judicial Council (SJC). The GOM's detour around the opposition angered ethnic Albanian opposition DUI, which had also suspended its participation in some parliamentary bodies as a reaction to the September 25 dustup. The Ministry of Interior (MOI) has started investigations into allegations of police violence against journalists during actions related to the September 25 incident. Taking a step in the right direction, the ruling coalition struck a compromise with DUI on the formation of an Investigative Committee in Parliament to look into the September 25 events. Although the near-completion of the SJC will allow that body to begin working more effectively, the GOM approach -- forsaking consensus-building in the interest of political expediency -- is likely to backfire the next time the government needs the opposition's support for implementing key NATO-related reforms, including the Police Law. End summary.

MEDIA BOYCOTT GOM AND DUI EVENTS TO PROTEST VIOLENCE

[1](#)2. (SBU) To protest the police beating of a journalist in an incident related to the September 25 brawl in parliament between ethnic Albanian MPs from opposition DUI and governing coalition partner DPA (ref A), the media boycotted the GOM's September 27 press conference, which was intended to showcase the government's economic program. Expressing his "understanding" for the journalists' outrage, PM Gruevski pledged to hold accountable those responsible for the beating. The media also boycotted DUI's September 28 rally "against violence," in response to reports that a DUI member had slapped a TV journalist covering the September 25 brawl. The DUI rally proceeded peacefully, and was attended by around 1,500 DUI supporters from around the country.

MOI TAKES CONSTRUCTIVE ACTION

13. (C) To help ensure the September 28 DUI-organized rally went off without incident, the Ambassador contacted both the DUI leadership and Minister of Interior Jankuloska the day before the demonstration, winning commitments from both sides to exercise restraint and common sense. International police observers at the rally site agreed that the planning and the execution of the event were smooth, with the MOI using well-trained Rapid Deployment Unit police positioned discreetly at different locations in downtown Skopje, while DUI's leadership managed to control the crowds of DUI supporters.

14. (SBU) In the meantime, the MOI took immediate action against police officers implicated in the harassment of DUI MPs and journalists on September 26. An internal investigation concerning the behavior of the Tetovo police chief is underway due to reports that he issued an unauthorized order to stop the DUI MPs while they were en route to a party function. Additionally, the MOI's Professional Standards Unit has launched an investigation into the assault on the TV journalist. Criminal charges have been filed against the Tetovo police chief for "abuse of official position" and against two police officers for "mistreatment while performing an official duty." If convicted, the police officers, who have been suspended from work, could be sentenced to between six months and five years imprisonment.

COMPROMISE ON PARLIAMENT'S INVESTIGATIVE COMMITTEE

15. (C) Despite DUI's suspended participation in the parliament's plenary sessions (but not in coordinative

SKOPJE 00000815 002 OF 002

bodies) DUI MPs took part in intensive debates among all party whips in Parliament on October 2 on the formation of a parliamentary committee to investigate the September 25 events. Although government and opposition parties initially were deadlocked on the composition of the committee, they eventually reached a compromise solution by week's end, and the investigative committee began working on October 8. The committee has four members of the opposition and three from the ruling coalition; it is chaired by Stojan Andov, president of the Liberal Party and a former Speaker of Parliament. Upon DUI's insistence, the committee's report, due by October 16, will be adopted by a simple majority vote.

PROGRESS ON STATE JUDICIAL COUNCIL -- PYRRHIC VICTORY?

16. (C) Using DUI's absence from Parliament, on October 3 the ruling coalition proposed three SJC candidates, some of whom were believed to be politically connected, to fill the remaining five of 15 SJC seats. Shortly thereafter, President Crvenkovski re-submitted his two candidates, both of whom the ruling coalition had earlier deemed unacceptable.

(Note: Both of Crvenkovski's candidates are minority representatives, and the GOM apparently fears that appointing them to the SJC would give ethnic minorities too much power in that body. End note).

17. (SBU) In practice, the submission of party candidates to the SJC annulled the September 20 compromise proposal by the President (ref C). In justifying its detour from the compromise, the GOM argued that all parties, except for DUI, had publicly accepted the President's proposal to break the long-standing deadlock on the SJC composition. Following intensive consultations with the Ambassador and EU's Special Representative, DUI was on the verge of publicly announcing its acceptance of the President's compromise on September 25, when the brawl in Parliament erupted. DUI therefore never went on the record as supporting the compromise, and the government claimed this meant it had to find an alternate route to completing the SJC composition.

¶8. (SBU) A surprise Parliament session on October 4 confirmed the three GOM SJC candidates, despite opposition DUI's absence from Parliament and SDSM's comments that "today marks the death of democracy." In a backroom deal on October 3, PM Gruevski had secured the support of the smaller minority MPs (Turks, Serbs, Bosniacs, Roma), thus ensuring the Badinter votes necessary to appoint the SJC candidates.

¶9. (SBU) VMRO MPs later abstained from voting for one of the President's two candidates (an ethnic Turk), while their coalition partners DPA left the session to protest that candidate's alleged anti-Albanian bias. President Crvenkovski's Chief of Staff labeled the disciplined voting for the governing coalition's SJC candidates as "a new provocation" by a GOM which is trying to "appoint judges by force." A frustrated DUI leadership told us that the situation was "becoming dangerous," and that the GOM was trying to silence the opposition.

COMMENT

¶10. (C) Accomplished just a week after the parliamentary brawl, the composition of the SJC, a key judicial reform step required for Macedonia's Euro-Atlantic integration goals, could have been a welcome moment of political dialogue and compromise. Instead, government leaders concentrated on partisan interests and political expediency, resulting in only 14 of the 15 SJC seats being filled, a partial solution that will nevertheless allow the SJC to function. Opposition DUI overplayed its hand by not announcing its support for the Crvenkovski compromise proposal, and is now fuming on the sidelines. By failing to opt for a process that could have completed the SJC with a broader political consensus, the government's tactics now are likely to ensure that DUI will push even harder to ensure full implementation of the May 29 Agreement, and will be less flexible in working with the GOM as it begins to implement the Police Law, where Gruevski will need DUI's cooperation at the municipal level.

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